

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

PLAINTIFF

BPB, LLC and Homebase Properties, LLC

V. DEFENDANT AND THIRD PARTY PLAINTIFF

Joseph J. Miller

THIRD PARTY SUMMONS IN A
CIVIL ACTION

Case Number: 04-30021-MAP

V. THIRD PARTY DEFENDANT

RE/MAX Integrity Realtors, Inc.

To: Name and address of Third Party Defendant

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

David R. Cianflone, Esq.
59 Bartlett Avenue
Pittsfield, MA 01201

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY

(name and address)

Douglas J. Rose, Esq.
1330 Mass MoCA Way
North Adams, MA 01247

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

TONY ANASTAS

CLERK



(By) DEPUTY CLERK

AO 441 (Rev. 5/85) Third Party Summons in a Civil Action

DATE

4/12/04